

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF GEORGIA  
SAVANNAH DIVISION

DOMINIC E. MILLER,                     )  
  )  
          Plaintiff,                     )  
  )  
v.   )  
  )  
CAROL BRANHAM and MARY             )  
SUSAN FITZGERALD,                    )  
  )  
          Defendants.                    )

Case No. CV416-008

**REPORT AND RECOMMENDATION**

Previously, the Court ordered *pro se* plaintiff Dominic Miller to supplement his insufficient *in forma pauperis* (IFP) application. Doc. 3. He submitted a new application (doc. 5) and a response to the Court's Order (doc. 4), but never answered seven questions the Court posed,<sup>1</sup>

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<sup>1</sup> Those questions:

- (1) What he spends each month for basic living expenses such as food, clothing, shelter, and utilities, and the dollar value of any public or private assistance he may receive;
- (2) Where he gets the money to pay for those expenses (include all "off-the-books" income, whether in cash or in-kind);
- (3) Whether he owns any means of transportation and, if he does not, whether he has regular access to same, as owned by another (including a

despite a warning that “failure to comply with [that] directive” would fetch a dismissal recommendation. Doc. 3 at 3 n. 2.

That warning was no idle threat and, therefore, this case should be **DISMISSED WITHOUT PREJUDICE**. See L.R. 41(b); see *Betty K Agencies, Ltd. v. M/V Monada*, 432 F.3d 1333, 1337 (11th Cir. 2005) (district courts may *sua sponte* dismiss an action pursuant to Fed. R. Civ. P. 41(b) if the plaintiff fails to comply with court rules or a court order); *Donaldson v. Clark*, 819 F.2d 1551, 1557 n. 6 (11th Cir. 1987) (district court has inherent authority to sanction parties for “violations of procedural rules or court orders,” up to and including dismissals with prejudice); *McKinley v. FDIC*, 2016 WL 930291 at \* 2 (11th Cir. Mar. 11, 2016) (affirming this Court’s Rule 41(b) dismissal because “(1) Plaintiff

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rental company);

(4) Whether he possesses a cellular telephone, TV set, and any home electronics equipment (include estimated value and related carrying expenses, such as carrier and subscription fees);

(5) Whether he is the account owner, or has signature power, as to any accounts with a bank or other financial institution;

(6) Whether he anticipates any future income within the next year;

(7) A list of any other cases showing an indigency-based, filing fee reduction or waiver granted by any other court (include the full case name, case number and the name of the court granting same).

Doc. 3 at 4-5.

blatantly flouted the magistrate judge's order, (2) the order warned Plaintiff of dismissal, and (3) the district judge dismissed without prejudice"). Miller's motion to amend is **DENIED**. Doc. 6.

**SO REPORTED AND RECOMMENDED**, this 28th day of March, 2016.

  
UNITED STATES MAGISTRATE JUDGE  
SOUTHERN DISTRICT OF GEORGIA